

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CALLERTONE INNOVATIONS, LLC,

Plaintiff,

v.

VERIZON COMMUNICATIONS, INC.,

Defendant.

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Civil Action No. _____

JURY TRIAL REQUESTED

COMPLAINT

Plaintiff Callertone Innovations, LLC (“Callertone” or “Plaintiff”), by way of Complaint against Defendant Verizon Communications, Inc. (“Defendant”), hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff Callertone Innovations, LLC is a limited liability company organized under the laws of Texas with its principal place of business at 777 Enterprise Drive, Hewitt, Texas 76643.

3. Defendant Verizon Communications, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 140 West Street, New York, NY 10007, and as such is a corporate citizen of Delaware. In addition, upon information and belief, this Defendant does business in this judicial district.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b).

6. Defendant makes, uses, distributes, offers for sale or license and/or sells products and services using systems, methods and instrumentalities that infringe the patents-in-suit, as is alleged below. Upon information and belief, Defendant regularly conducts business in this judicial district and has committed acts of patent infringement in this judicial district including, *inter alia*, importing, making, using, offering for sale, and/or selling products and services and using infringing methods and instrumentalities in this judicial district.

7. On information and belief, Defendant has ongoing and systematic contacts with this judicial district and the United States. In addition, Defendant has conducted at least some of the infringing acts referred to in paragraph 5 above, and described in further detail below, in this district.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,852,995

8. Callertone repeats and realleges the allegations of paragraphs 1 through 7 as if fully set forth herein.

9. On December 14, 2010, United States Patent No. 7,852,995 B2 (the “‘995 Patent”), entitled “Method and Apparatus for Selectively Providing Messages In Telecommunications Systems,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ‘995 Patent is attached as Exhibit A to this Complaint.

10. Callertone is the assignee and owner of the right, title, and interest in and to the ‘995 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

11. Without license or authorization, Defendant is and has been infringing the ‘995 Patent, in the United States, including in this district, by making, using, selling, offering for sale or license, advertising and/or importing in the United States, including within this judicial district, its products and services and using systems, methods and instrumentalities that embody the inventions claimed in the ‘995 Patent. Such acts constitute infringement under at least 35 U.S.C. § 271(a). Among such infringing services is the ringback tone service offered as part of Defendant’s business in telecommunication services as “Verizon Ringback Tones,” provided through the Defendant’s retail stores or online outlet.

12. Callertone has been damaged by Defendant’s infringing activities with respect to the ‘995 patent.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 7,860,225

13. Callertone repeats and realleges the allegations of paragraphs 1 through 12 as if fully set forth herein.

14. On December 28, 2010, United States Patent No. 7,860,225 B2 (the “‘225 Patent”), entitled “Method and Apparatus for Selectively Providing Messages In Telecommunications Systems,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ‘225 Patent is attached as Exhibit B to this Complaint.

15. Callertone is the assignee and owner of the right, title, and interest in and to the ‘225 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

16. Without license or authorization, Defendant is and has been infringing the ‘225 Patent, in the United States, including in this district, by making, using, selling, offering for sale or license, advertising and/or importing in the United States, including within this judicial district, its products and services and using systems, methods and instrumentalities that embody the inventions claimed in the ‘225 Patent. Such acts constitute infringement under at least 35 U.S.C. § 271(a). Among such infringing services is the ringback tone service offered as part of Defendant’s business in telecommunication services as “Verizon Ringback Tones,” provided through the Defendant’s retail stores or online outlet.

17. Callertone has been damaged by Defendant’s infringing activities with respect to the ‘225 patent.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Callertone demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Callertone respectfully demands judgment for itself and against Defendant as follows:

- a. That this Court adjudge that Defendant has infringed the ‘995 Patent;
- b. That this Court adjudge that Defendant has infringed the ‘225 Patent;

c. That this Court ascertain and award Callertone damages sufficient to compensate it for the above infringement, and that the damages so ascertained be awarded to Callertone with interest;

d. That this Court find this case to be exceptional and award Callertone its attorneys' fees, costs, and expenses in this action;

e. That this Court order an accounting of all infringing acts including, but not limited to, those acts not presented at trial, and award Callertone damages for any such acts; and

f. That this Court award Callertone such other relief as the Court may deem just and proper.

Dated: October 28, 2011

STAMOULIS & WEINBLATT LLC

/s/ Richard C. Weinblatt

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